

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2161

Introduced by Assembly Member Quirk

February 17, 2016

An act to ~~add Section 18940.7 to the Health and Safety Code, and to~~ add Chapter 6 (commencing with Section 11895) to Part 3 of Division 2 of the Insurance Code, relating to parking lots.

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, as amended, Quirk. Parking lots: design: insurance discount.

Existing law provides that building standards shall be filed by the California Building Standards Commission with the Secretary of State and codified only after they have been approved by the commission. Existing law regulates the issuance and renewal of liability insurance policies in this state.

This bill would ~~require the commission, in collaboration with the State Architect and the State Fire Marshal, to consider standards, and to update standards as it determines necessary, for the installation of vehicle barriers, as specified, to protect persons located within, or in or on the property of, buildings, or to protect pedestrians, from collisions into those buildings by motor vehicles. The bill would also~~ authorize an insurer to consider the installation of vehicle barriers ~~in or on a commercial property parking lot~~ as a safety measure and would authorize an insurer to provide or offer a discount on the property owner's insurance covering damage or loss to the covered commercial property, or liability arising out of the ownership, maintenance, or use of the commercial property relative to the reduced risk of installation of the

barriers. The bill would require that any discounts be determined to be actuarially sound and approved by the Insurance Commissioner prior to their use.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 18940.7 is added to the Health and Safety~~
2 ~~Code, to read:~~

3 ~~18940.7. (a) The California Building Standards Commission,~~
4 ~~in collaboration with the State Architect and the State Fire Marshal,~~
5 ~~shall consider standards, and shall update standards as it determines~~
6 ~~necessary, for the installation of vehicle barriers to protect persons~~
7 ~~located within, or in or on the property of, buildings, or to protect~~
8 ~~pedestrians, from collisions into those buildings by motor vehicles.~~

9 ~~(b) For the purposes of this section, a vehicle barrier includes~~
10 ~~a horizontal or vertical protective device placed to protect persons~~
11 ~~located within, or in or on the property of, buildings, or to protect~~
12 ~~pedestrians, from collisions into those buildings by motor vehicles.~~

13 ~~(c) For purposes of subdivision (a), the standards considered~~
14 ~~shall include existing standards adopted or developed by a~~
15 ~~standard-setting organization recognized by the commission,~~
16 ~~including, but not limited to, the American Society for Testing and~~
17 ~~Materials (ASTM) or another similar organization.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1. Chapter 6 (commencing with Section 11895) is~~
20 ~~added to Part 3 of Division 2 of the Insurance Code, to read:~~

21
22 ~~CHAPTER 6. COMMERCIAL PROPERTY PARKING LOTS: VEHICLE~~
23 ~~BARRIER DISCOUNT~~

24
25 ~~11895. (a) An insurer may consider the installation of vehicle~~
26 ~~barriers approved by the California Building Standards~~
27 ~~Commission to protect persons located within, or in or on the~~
28 ~~property of, buildings, or to protect pedestrians, from collisions~~
29 ~~into those buildings by motor vehicles, on a commercial property~~
30 ~~parking lot as a safety measure and may provide or offer a discount~~
31 ~~on the property owner's insurance covering damage or loss to the~~
32 ~~covered commercial property, or liability arising out of the~~

1 ownership, maintenance, or use of the commercial property relative
2 to the reduced risk to the property as a result of installation of the
3 barriers if the discount provided or offered is provided or offered
4 consistent with Article 10 (commencing with Section 1861.01) of
5 Chapter 9 of Part 2 of Division 1.

6 (b) For the purposes of this section, a vehicle barrier ~~includes~~
7 ~~a horizontal or vertical protective device placed to protect persons~~
8 ~~located within, or in or on the property of, buildings, or to protect~~
9 ~~pedestrians, from collisions into those buildings by motor vehicles.~~
10 *is a safety device that meets, at a minimum, the vehicle impact*
11 *protection standards as provided by the State Fire Marshal and*
12 *adopted by the California Building Standards Commission and*
13 *installed to protect persons located within, in, or on the property*
14 *of, buildings, or to protect pedestrians, from collisions into those*
15 *buildings by motor vehicles.*

16 (c) Any discounts on insurance provided in accordance with
17 this section shall be determined to be actuarially sound and
18 approved by the commissioner prior to their use.